

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8892 of 2018

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Baidhanath Singh, son of late Sonelal Singh, Resident of Village+P.O. Majhaur, P.S. Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue Department Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Pupri, Sitamarhi.
4. The Block Development Officer, Nanpur, Sitamarhi.
5. The Circle Officer, Nanpur, Sitamarhi.
6. Birendra Singh, Son of Majhi Singh, Resident of Village- Majhaur, P.S. Nanpur, District. Sitamarhi.
7. Saukhi Singh, Son of Majhi Singh, Resident of Village- Majhaur, P.S. Nanpur, District. Sitamarhi.
8. Devendra Singh, Son of Majhi Singh, Resident of Village- Majhaur, P.S. Nanpur, District. Sitamarhi.
9. Nirmal Singh, Son of Majhi Singh, Resident of Village- Majhaur, P.S. Nanpur, District. Sitamarhi.
10. Mukhlal Singh, Son of Majhi Singh, Resident of Village- Majhaur, P.S. Nanpur, District. Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan- SC25

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 15-05-2018

Heard learned counsel for the petitioner and learned
SC-25 for the Respondent-State.

In view of nature of order this Court intends to pass,
there is no need of issuing the notice to private Respondent nos.
6 to 10.

The present writ application has been filed for a
direction to the Respondent authorities for getting the
encroachment removed from the public land/road appertaining



to Khata No.2090, Plot No.2710, situated at Village-Majhaur, P.S.-Nanpur, District-Sitamarhi.

It is submitted by learned counsel for the petitioner that the land in question is recorded in the khatian, in the name of Government of Bihar. A public petition was filed before the Respondent no.5, the Circle Officer, Nanpur, on 09.10.2017 and 12.12.2017, as contained in Annexure-2 series, alleging the encroachment made by Respondent nos. 6 to 10 over the public road. The representation was also submitted before the Respondent no.3, the S.D.O., Pupri as well as the Respondent no.2, the District Magistrate, Sitamarhi, on 12.10.2017, as contained in Annexures - 4 and 5. Ultimately, a proceeding under the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as the 'Act') was initiated, being Encroachment Case No.9 of 2017 and notices were issued to the encroachers, as contained in Annexure-3. But till date neither the encroachment proceeding has been taken to its logical conclusion, nor the encroachment has been removed from the land in question. Hence, the present writ application.

It is submitted by learned SC-25 that at present, he is not having any instruction whether the proceeding of Encroachment Case No.9 of 2017 has been taken to its logical



conclusion or not, but if it has not already been concluded, the same will be concluded within a time frame.

In the circumstances, it is expected from the Respondent no.5, the Circle Officer, Nanpur, to take the proceeding of Encroachment Case No.9 of 2017 to its logical conclusion, after giving due opportunity of hearing to all affected persons, including Respondent nos. 6 to 10, within a period of three months, after receipt/production of a copy of this order, in accordance with the provisions of the Act.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

